



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Nganga & another (Criminal Case 28 of 2020)
[2025] KEHC 14830 (KLR) (16 October 2025) (Sentence)**

Neutral citation: [2025] KEHC 14830 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL CASE 28 OF 2020
A MSHILA, J
OCTOBER 16, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

PATRICK KAMAU NGANGA 1ST ACCUSED

MARTIN KAMANDE NYOIKE 2ND ACCUSED

SENTENCE

1. The accused were initially charged with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code; upon a Plea Bargain Agreement being entered this charge was then reduced to manslaughter.
2. The Plea Bargain Agreement was adopted by the court upon being satisfied that the accused persons had understood the contents and that they had executed it voluntarily without promise or benefit of any kind and without threats, force, intimidation or coercion of any kind.
3. The accused were charged with having unlawfully killed one Jonah Njenga on the night of 4th June, 2020 at Githurai 44 Area within Kasarani Sub County.
4. The facts as narrated by the Prosecuting Counsel are as follows; The deceased had parted company with his friend Corazon at 6.00pm in the Githurai 44 Area; within an hour this friend got a call that her friend Jonah the deceased was being beaten by a mob; She headed there and found the deceased being beaten up by a mob for allegedly attempting to steal a motor vehicle; in the mob she sighted the 1st and 2nd accused as being present; the deceased was then put into the motor vehicle owned by the 1st accused in which he later succumbed to his injuries; the body was abandoned on Biashara Street within Githurai 44 Area where it was picked up by the DCI Kasarani officers and moved to the City Mortuary;



5. On 8/06/2020 a post-mortem was conducted and the cause of death was established to be from multiple injuries due to blunt force trauma; The Post Mortem Report produced into court and was marked as 'PEXh.1'.
6. The accused both stated that the facts as narrated were true and correct and the Court proceeded to convict them on their own plea of 'Guilty' for the offence of Manslaughter c/s to Section 202 as read with Section 205 of the Penal Code.
7. The accused were represented by Learned Counsel Mr. Njehu whereas Mr. Gacharia was the Prosecuting Counsel for the State; Both Counsel were invited to make submissions before sentencing; The accused's Counsel made oral mitigation submissions whilst prosecuting Counsel for the State requested that a Pre-Sentencing Report be prepared.
8. Counsel submitted that the accused were profoundly remorseful and had willingly accepted responsibility for their actions by pleading guilty to the manslaughter charges and by doing so had saved the Court's time and conserved judicial time and resources; it was a case of mob justice and they apologized for their conduct and for not being able to control themselves on that fateful day and while out on bond had time to reflect on their actions which led to an unfortunate situation whereby a life was lost; they have taken positive steps to change and they had reached out to the deceased's family seeking forgiveness and made gestures of reconciliation and peace with them; they pleaded for leniency as the circumstances leading to the demise of the deceased were not pre-meditated; the accused have never been in conflict with the community and the reports received towards them were both positive and it was willing to take them back.
9. They had no prior convictions or criminal history and prayed for a lenient sentence preferably non-custodial and urged the Court to give them a chance to enable integrate back into society to enable them take care of their young families who rely on them. The 1st Accused had two (2) children, one who was barely 2 years old and the other was in PP2.
10. Prosecuting Counsel relied on the Pre-Sentencing Report and submitted that it captured the victim's family's views and prayed it be utilized to assist in the Court when passing sentencing.

Analysis

11. The applicable law on sentencing for the offence of manslaughter is found under the provisions of Section 205 of the Penal Code which reads as follows;

'Any person who commits the felony of manslaughter is liable to imprisonment for life'
12. It is the duty of this Court to impose a sentence that meets the facts and circumstances of the case; The aggravating factors are the accused's lack of restraint and making assumptions as to the guilt of the deceased; then their actions of joining hands with others and took the law into their own hands so as to pervert justice. Upon committing the aggressive attacks they purported to take the deceased to the police station but later abandoned him for dead on Biashara Street in Githurai 44. The mitigating factors are that the circumstances leading to the unfortunate incident demonstrate that the accused had no premeditated intention; by accepting the Plea Bargain Agreement the accused had not wasted judicial time and spared the deceased's mother from further trauma;
13. Other factors taken into consideration is the Victim Impact Assessment Report; Having perused the Report it is noted that the accused had taken reconciliatory steps with the victims' family. it is noted that the mother had come to terms with her son's demise and harboured no grudge and had forgiven the two accused persons.



14. The accused are both young man the 1st accused is aged 35 years and the 2nd is 36 years of age; the prosecution had no previous records and it was submitted that they be treated as first offenders;
15. In the light of the above, this Court is satisfied the accused are both deserving of a custodial sentence to act as a deterrent and a lesson to all other members of the public tempted to take the law into their own hands and engage in mob justice. The Court finds the appropriate sentence to be that of Five (5) years for each accused person.
16. The accused are found to be deserving of the benefits of Section 333(2) of the Criminal Procedure Code and the period spent in remand shall be deducted from the term of imprisonment.

Findings & Determinations

17. Having taken all factors into consideration this Court makes the following findings and determinations: -
 - i. The accused are convicted on their own plea of guilty for the offence of Manslaughter;
 - ii. The accused are hereby sentenced to a five (5) year custodial sentence each.
 - iii. The period spent in remand from the date of arrest when they were released on bail. For Martin, he was arrested on 20/07/2020 and was released on bail on 29/12/2020. For Patrick, he was arrested on 20/07/2020 and released on bail on 5/02/2021. This period be deducted from the sentence.

Orders Accordingly.

DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 16th DAY OF OCTOBER, 2025.

A. MSHILA

JUDGE

In the presence of;

Sanja – Court Assistant

Gacharia – Prosecuting Counsel for the State

Njehu – for the Accused

X2 Accused – present - out on bond

